

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

IN RE: :  
BERNARD, SANDRA L. : Case No. 11-32676  
Debtor. : Chapter 7  
Judge Lawrence S. Walter

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE  
PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtor certain tangible personal property.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser  
7925 Graceland Street  
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

**10/12/2011**

\_\_\_\_\_  
Date of Issuance

***/s/ John Paul Rieser***

\_\_\_\_\_  
John Paul Rieser, Esq.

### **NOTICE OF PROPOSED SALE /DISPOSITION**

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtor in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtor.

The property at issue is a 2002 Chevrolet Avalanche (“Vehicle”) scheduled by the Debtor. The Debtor scheduled the value of the Vehicle as \$6,000.00. The Trustee determined the value of the Vehicle to be \$7,300.00 based on the appraisal from Debtor’s attorney. From this value, the Trustee deducted (1) Debtor’s exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,600.00; (2) the average cost of sale amount of \$700.00<sup>1</sup>. The non-exempt equity owed to creditors for the Vehicle is \$2,000.00 and the Debtor has agreed to pay this amount to the Trustee. The Trustee believes that disposing of the Vehicle by permitting the Debtor to “buy out” the non-exempt equity herein will produce a net certain recovery to creditors equal to or greater than that which would be obtained from selling the Vehicle at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

**WHEREFORE,** the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

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<sup>1</sup> This condition adjustment is based on Trustee’s experience in selling vehicles at auctions in the current market environment.

Respectfully yours,

**/s/ John Paul Rieser**

John Paul Rieser, Trustee

Rieser & Associates LLC

7925 Graceland Street

Dayton, OH 45459-3834

Phone: (937) 224-4128, Fax: (937) 224-3090

E-mail: tecfdesk@rieserlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT** was served this 12th day of October, 2010, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Rebecca Barthelmy-Smith rbsmith@ameritech.net

**/s/ John Paul Rieser**

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John Paul Rieser [lrs/711]

Label Matrix for local noticing  
0648-3  
Case 3:11-bk-32676  
Southern District of Ohio  
Dayton  
Tue Oct 11 12:01:21 EDT 2011

ACB Amer  
4351 W A  
Latonia, KY 41015

Accelerated Creditor's Services  
PO Box 40304  
Cincinnati, OH 45240-0304

Bac Home Loans Service  
450 American Street  
Simi Valley, CA 93065-6285

Citi  
PO Box 6241  
Sioux Falls, SD 57117-6241

City of Trotwood  
Tax Department  
Dayton, OH 45426

Creditors Interchange  
80 Holtz Drive  
Buffalo, NY 14225-1470

Ffcc-Columbus Inc  
1550 Old Henderson Rd St  
Columbus, OH 43220-3626

HSBC Bank  
PO Box 35480  
Dayton, OH 45426-3155

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATION  
PO BOX 7346  
PHILADELPHIA, PA 19101-7346

United States Bankruptcy Court  
120 West Third Street  
Dayton, OH 45402-1872

AFNI Inc  
404 Brock Drive  
Bloomington, IL 61701-2654

(p)SPRINGLEAF FINANCIAL SERVICES  
P O BOX 3251  
EVANSVILLE IN 47731-3251

Ccrservices  
P O Box 32299  
Columbus, OH 43232-0299

City of Dayton  
PO Box 632458  
Cincinnati, OH 45263-2094

City of Trotwood  
Utility Billing  
3035 Olive Rd  
Trotwood OH 45426-2656

Dayton Cardiology Consultants Inc.  
PO Box 630628  
Cincinnati, OH 45263-0628

Gemb/Roberds Oh  
Po Box 981439  
El Paso, TX 79998-1439

HSBC Bank  
PO Box 5253  
Carol Stream, IL 60197-5253

Internal Revenue Service  
PO Box 7348  
Philadelphia, PA 19101-7348

A. R. C., Inc.  
P. O. Box 341  
Dayton, OH 45409-0341

AOL Member Services  
PO Box 30622  
Tampa, FL 33660-1622

Asst US Trustee (Day)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215-2417

Central Collections Agency  
Division of Taxation  
205 W. Saint Clair Ave.  
Cleveland, OH 44113-1503

City of Dayton Finance Dept.  
Division of Revenue & Taxation  
101 W Third Street  
Dayton, OH 45402-1814

Credit Union Of Ohio  
5500 Britton Pkwy  
Hilliard, OH 43026-7456

Ecast Settlement Corp.  
PO Box 35480  
Newark, NJ 07193-5480

Good Samaritan Hospital  
PO Box 183132  
Columbus, OH 43218-3132

(p)HSBC BANK  
ATTN BANKRUPTCY DEPARTMENT  
PO BOX 5213  
CAROL STREAM IL 60197-5213

LVNV Funding  
PO Box 740281  
Houston, TX 77274-0281

LVNV Funding LLC its successors and assigns assignee of Citibank, NA Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587	Medical Imaging Physicians Inc 2591 Miamisburg Centerville Rd. Ste. 203 Centerville, OH 45459-3706	Miami Valley Hospital PO Box 713072 Columbus, OH 43271-3072
Premier Health Net 40 W Fourth St. Dayton, OH 45402-1857	Resurgent Capitol Services PO Box 10587 Greenville, SC 29603-0587	Richard J Boudreau & Assoc. LLC 5 Industrial Way Salem, NH 03079-4866
SCI Service concepts PO Box 7130722 Columbus, OH 43271-0001	Sallie Mae Po Box 9500 Wilkes Barre, PA 18773-9500	Scheer, Green And Burke, Co. LPA PO Box 1335 Toledo, OH 43603-1335
Service Concepts PO Box 7130722 Columbus, OH 43271-0722	US Attorney 200 W Second St 602 Federal Bldg Dayton OH 45402	Union Plus Credit Card PO Box 4155 Carol Stream, IL 60197-4155
Weltman Weinberg & Reis CO. LPA 175 South Thrid St. Suite 900 Columbus, OH 43215-5166	eCAST Settlement Corporation assignee of HSB Nevada and its Assigns POB 35480 Newark NJ 07193-5480	John Paul Rieser 7925 Graceland Street Dayton, OH 45459-3834
Rebecca Barthelemy-Smith 7821 North Dixie Drive Dayton, OH 45414-2719	Sandra L. Bernard 6737 Sandy Dr. Trotwood, OH 45426-3155	

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

American General Finanace 7702 Hoke Road Clayton, OH 45315	Hsbc/Tax Po Box 15524 Wilmington, DE 19850	(d)SPRINGLEAF FINANCIAL SERVICES PO BOX 971 EVANSVILLE, IN 47706
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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Credit Union of Ohio 5500 Britton Pkwy. Hilliard, OH 43026-7456	End of Label Matrix Mailable recipients Bypassed recipients Total	46 1 47
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